

REMARKS

Claims 1-15 and 17 are pending in the application of which Claims 1 and 8 are independent. All claims have been rejected. Each rejection is addressed below. Reconsideration is respectfully requested.

Applicant thanks the Examiner for his thorough review of the Amendment submitted with the RCE. It is believed that the present invention is patentable with respect to many of the features claimed, and at least with respect to "...serving an individually targeted message to the user through the phone..." as recited in base Claims 1 and 8. Further supporting remarks are found below. Acceptance toward allowance is respectfully requested.

Objection to the Specification

The specification has been objected to for failing to provide proper antecedent basis for the claimed subject matter. Specifically, Claims 1 and 8 stipulate the features "free of ... logging onto" and "free of intermediate transfer of data" which are cited as not being specified in the disclosure. Applicant responds as follows.

The foregoing amendments to the Specification are in accordance with MPEP § 608.01(o) for consistency between the claims and Specification. As reasoned below, no new matter is introduced. Only antecedent basis for current claim nomenclature is inserted into the Specification as now amended.

At least on Specification page 4, line 23 through page 5, line 18 and Fig. 1 as originally filed, the present invention is described as a voice telephone call connection to an accounting database, in which the user inputs accounting data by speaking, i.e., "by using natural language speech utterances." See page 5, lines 11-14 as originally filed. The invention system "records the information vocally provided by the user..." (Specification page 3, lines 20-22 as originally filed). A speech interface 3 assists with the "process of entering data by speaking" (Specification page 5, lines 15-16 as originally filed) during the voice phone call connection. "Touch tone response can also be used for all of the functions, operations and capabilities [of the present invention]..., but it will serve primarily as a backup system, if, for example, there is too much ambient noise for privacy considerations." Specification page 5, lines 6-9 as originally filed.

The foregoing description is believed to provide ample support for the claimed subject matter of a user entering accounting data by speaking into a phone instead of keyboarding and in a manner free of the user logging onto a global computer network (distinct from a telephone network) and free of intermediate transfer of data by the user (e.g., uploading or otherwise non-vocally transmitting the data). That is, the noted passages of the specification and corresponding Fig. 1 illustrate an embodiment of the present invention in which the user does not (i) keyboard, (ii) log onto a global computer network (the Internet) or (iii) intermediately transfer (upload) data. Thus the claim feature of "...prompting a user to enter accounting data by speaking into a phone instead of keyboarding and in a manner free of the user logging onto a global computer network and free of intermediate transfer of data..." is believed to be supported and disclosed by the specification as originally filed in satisfaction of 35 U.S.C. § 112.

Further, the foregoing is believed to satisfy MPEP § 2163 I.B. which states that "...newly added claim limitations must be supported in the specification through express, implicit or inherent disclosure" (emphasis added). Literal matching of claim limitation terms in the specification is not required. See MPEP § 2173.05(e) third paragraph. "The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that,...applicant was in possession of the invention as now claimed." MPEP § 2163.I.B. last paragraph. In view of the foregoing particulars of the Specification and reading the Specification Description of the Invention as a whole, the inquiry must be answered in the positive. The claimed invention is supported by the originally filed specification. Acceptance is respectfully requested.

Objection to the Claims

Claims 1 and 8 have been objected to for containing the negative limitation term "free of."

According to MPEP § 2173.05(i) on pertinent case law,

A claim which recited the limitation "said hemopolymer being free from the proteins, soaps, resins, and sugars present in natural Hevea rubber" in order to exclude the characteristics of the prior art product, was considered definite

because each limitation was definite. In re Wakefield, 442 F.2d. 897, 899, 904, 164 USPQ 636, 638, 641 (CCPA 1970).

This applies to the instant application (Claims 1 and 8).

Further, "[so] long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. § 112, second paragraph." MPEP § 2173.05(i) first paragraph. This suggests the objected claim term of Claims 1 and 8 is proper.

Thus the objected negative limitations in Claims 1 and 8 are believed to meet the requisites of § 112 and MPEP § 2173.05(i), and are further supported by the above arguments over the objections to the specification. Thus, acceptance of the objected term "free of" in Claims 1 and 8 is respectfully requested.

Claims 15 and 17 have been objected to for omitting the word "said" before the word "another." Claims 15 and 17 as now amended correct for this informality. Acceptance is respectfully requested.

The foregoing amendments to the claims further emphasize (a) the telephone call connection for voice use (as distinct from modem use) and (b) the user entering data by speaking over the connected phone as illustrated in Fig. 1 and corresponding description on Specification pages 4 and 5 as originally filed. Support for these claim amendments is found at least on Specification page 3, lines 20-22; page 4, lines 23-26 and page 5, lines 11-16 and Fig. 1 as originally filed. No new matter is introduced. Acceptance is respectfully requested.

Rejection Under 35 U.S.C. 103

Claims 1 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimson *et al.* (U.S. Patent No. 5,577,109) in view of Gorog (U.S. Patent No. 4,947,028). Applicant responds as follows.

The patent to Stimson *et al.* (U.S. Patent No. 5,577,109) "relates generally to pre-paid services and more particularly to a pre-paid card systems having a remote terminal to provide on-site activation and recharging of cards in customer-defined amounts" See column 1, lines 10-13.

By contrast, the present invention provides for an accounting system that captures and manages accounting data in a database by a voice interface as stated in base Claim 1 ("A method for maintaining accounting data comprising the steps of: ...using an automated voice interface to the database during a telephone call, for spoken communication by a user, ...prompting the user to enter accounting data primarily by speaking, ... storing the obtained certain accounting data in the database"). Base Claim 8 includes similar limitations. The Stimson *et al.* patent would not be relevant or applicable for a traveling businessperson who places a phone call to his place of business to report travel expenses. Moreover, the Stimson *et al.* patent does not provide for "business rules", that, for example, instruct the system to call the user or groups of users at specific times to encourage them to submit data." See Applicant's Specification on page 3, lines 5-7. For example, according to the principles of the present invention, a business rule could instruct the invention system to call a traveling businessperson to remind her to report travel expenses. See Claims 1 and 8 ("wherein said prompting includes ... initiating a first call to the user").

Further, at the heart of the Stimson *et al.* patent is the purchasing and use of "pre-paid" cards. Stimson *et al.* discloses "a database of authorized cards, the database including detailed information about the authorization, recharge and use status of each card in the system." See column 2, lines 26-29. Stimson *et al.* does not teach the storage and manipulation of accounting data in a database using an automated voice interface that prompts the user to enter accounting data primarily by speaking (i.e., in natural language speech utterances) as claimed in base Claims 1 and 8 as now amended. That is, the Stimson, *et al.* user does not speak (natural language speech) accounting data terms as a primary means to maintain the database.

Lastly, the individually targeted messages of Stimson *et al.* do not distinguish between users in contrast to the present invention. See column 5, lines 60-64. Thus the present invention feature in base Claims 1 and 8 of "serving an individually targeted message to the user..." (emphasis added) within the meaning provided by supporting Specification page 3 lines 9-14 is not implied or suggested by Stimson *et al.* Applicants propose in the alternative, a claim amendment (at the end of base Claims 1 and 8) to recite the noted meaning of the term "individually targeted message." The proposed claim amendment would add the limitation "said individually targeted message having contents unrelated to the telephone call." Support for such

is found at least on Specification page 3 lines 9-14 as originally filed. No new matter is introduced. Acceptance is respectfully requested, and acceptance of the alternative claim amendment by examiner amendment is acceptable.

The present invention also differs significantly from Gorog (U.S. Patent No. 4,947,028). Gorog relates to the field of "automated order entry systems and more specifically to electronic communication of orders from a buyer to a seller of products/services." See column 1, lines 6-9.

The present invention, on the other hand, provides a voice interfaced database system that captures, tracks, and manages company accounting data using an automated voice input interface during a telephone call. See Specification, page 2, lines 13-18. Specifically, Claim 1 provides for "[a] method for maintaining accounting data comprising the steps of: ...using an automated voice interface to the database during a telephone call, for spoken communication by a user, ...prompting the user to enter accounting data primarily by speaking into a phone connected to the telephone call, ... storing the obtained certain accounting data in the database"). Claim 8 includes similar limitations. A buyer or consumer would not interact with the database system of the present invention. The database system would be used by persons internal to a firm, corporation, or other entity to capture, track, and manage such entity's accounting data easily, efficiently, and accurately.

Thus, it would not have been obvious to a person of ordinary skill in the art at the time of this invention to apply the automated ordering (purchasing) method of Gorog to the pre-paid card device/method of Stimson *et al.* so as to provide for the reporting and maintaining of company accounting data "using an automated voice interface to the database ...prompting the user to enter accounting data primarily by speaking ... using natural language speech utterances ..." as recited in base Claims 1 and 8.

Even if combined, neither Stimson *et al.* nor Gorog provide the present invention automated voice interface as claimed in base Claims 1 and 8. As such, no combination of Stimson *et al.* and Gorog implies, suggests or makes obvious the present invention as now claimed in independent Claims 1 and 8. Dependent Claims 2-3 and 9-10 follow. Thus it is believed that the rejection of Claims 1-3 and 8-10 under § 103(a) in view of Stimson *et al.* and Gorog is overcome and withdrawal of this rejection is respectfully requested.

Claims 4-6 and 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimson *et al.* in view of Gorog and further in view of Skinner *et al.* (U.S. Patent No. 6,185,514). This rejection is respectfully traversed and reconsideration is requested.

As discussed above, the combination of Stimson *et al.* and Gorog lacks the automated natural language voice interface for maintaining/entering accounting data in a database of base Claims 1 and 8. Claims 4-6 depend from Claim 1 and Claims 11-13 depend from Claim 8. Skinner *et al.* does not add the automated voice interface as claimed in base Claims 1 and 8 and argued above. Thus Skinner *et al.* does not supplement Stimson *et al.* and Gorog in such a way as to render Claims 4-6 and 11-13 obvious and unpatentable.

Skinner *et al.* discloses a "means for exporting work-completed information to other, third-party, programs." See column 4, lines 61-63. Claims 4 and 11 of the present invention, however, recite a means for "providing accounting data ... to another user." Therefore, Claims 4 and 11 are not obvious in view of the combination of the above references.

Claims 7 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimson *et al.* in view of Gorog and further in view of Sprague *et al.* (U.S. Patent No. 5,247,575). This rejection is respectfully traversed and reconsideration is requested.

As discussed above, the combination of Stimson *et al.* and Gorog does not render base Claims 1 and 8 obvious. Claim 7 depends from Claim 1 and Claim 14 depends from Claim 8. Sprague *et al.* does not add the automated voice interface as claimed in base Claims 1 and 8. As such, the combination of Stimson *et al.*, Gorog and Sprague *et al.*, does not render Claims 7 and 14 obvious and unpatentable.

Claims 15 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stimson *et al.* in view of Gorog and further in view of Gomyo *et al.* (U.S. Patent No. 5,930,772). This rejection is respectfully traversed and reconsideration is requested.

As discussed above, the combination of Stimson *et al.* and Gorog does not render base Claims 1 and 8 obvious. Claim 15 depends from Claim 1 and Claims 17 depends from Claim 8. Gomyo *et al.* does not add to the teachings the invention automated voice interface of base Claims 1 and 8. Thus the combination of Stimson *et al.*, Gorog and Gomyo *et al.* does not make obvious nor render Claims 15 and 17 unpatentable.

Therefore, it is respectfully submitted that the combination of the above references does not render any of the claims obvious. All claims are now believed to be in condition for allowance.

CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 1-15 and 17) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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